

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: There are three Extraordinary issues to the Official Gazette Series I No. 22 dated 26-8-99 as follows:

- 1) *Extraordinary dated 26-8-99 from pages 359 to 360 regarding Notification from Department of Social Welfare.*
- 2) *Extraordinary No. 2 dated 27-8-99 from pages 361 to 362 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).*
- 3) *Extraordinary No. 3 dated 30-8-99 from pages 363 to 372 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).*

GOVERNMENT OF GOA

Department of Elections

State Election Commission

Notification

3/10/99-SEC

The following Notification No. 3/10/99-SEC dated 25-8-99 issued by the State Election Commission, Panaji declaring the Code of Conduct for ensuring free, fair, smooth and peaceful elections to the Panchayats at all levels and Municipalities, is hereby published for information of all the contesting candidates and agencies of Government and Non-Government bodies involved in this regard, for strict Compliance.

By Order

Raghuveer Savardenker, Secretary.

Panaji, 25th August, 1999.

Notification

3/10/99-SEC

In Order to ensure free, fair, smooth and peaceful elections to the Panchayats at all levels and the Municipalities, the State Election Commissioner in exercise of the powers conferred on him under Article 243K and 243ZA of the Constitution of India and under Section 237 of the Goa Panchayat Raj Act, 1993 and Section 10A of the Goa Municipalities Act, 1968, issues the following order:

1. This Order shall be called the Code of Conduct for the candidates contesting the elections to the Panchayats at all levels and Municipalities in the State of Goa.

2. This Code shall come into force from the date of announcement of schedule relating to elections to Panchayats at all levels and Municipalities as per the election programme.

3. General Conduct:

(i) No candidate shall indulge in any activity which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic.

(ii) Criticism of other candidates when made, shall be confined to their policies and programmes, past record and work. Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities.

(iii) There shall be no appeal to caste or communal feelings for securing votes. Mosques, Churches, Temples or other places of worship shall not be used as forum for election propaganda.

(iv) All candidates shall avoid scrupulously all activities which are "corrupt practices" and offences under the election law, such as the bribing of voters, intimidation of voters, personation of voters, canvassing within 100 metres of a polling station, holding public meeting during the period of 48 hours ending with the hour fixed for the close of the poll, providing transport and conveyance to voters to and from polling station.

(v) Movement of candidate, his agents or another persons on his behalf to solicit the voters for voting of particular candidate, distribution of cards/names/symbols before 48 hours of poll, using any Government vehicles, Panchayat/Municipal/Government premises and any machinery for organising any meeting or parties and solicit voters by any means such as offering in kind or cash, is prohibited.

(vi) The right of every individual for peaceful and undisturbed home life shall be respected. Organising demonstrations or picketing before the houses of individuals by way of protesting against their opinions or activities shall not be resorted to under any circumstances.

(vii) No candidate shall permit his followers to make use of any individual's land, building, compound wall, etc. without his permission for erecting flag-staffs, suspending banners, pasting notices, writing slogans, etc.

(viii) The candidates shall ensure that their supporters do not create obstructions in or break up meetings and processions organised by the other candidates. Workers or sympathisers of one candidate shall not create disturbances at public meetings organised by another candidate by putting questions orally or in writing or by distributing leaflets of their own candidate. Processions shall not be taken out by one candidate along places at which meetings are being held by another candidate. Posters issued by one candidate shall not be removed by workers of another candidate.

(ix) The candidates should ensure that no candidates or other supporters deface public property or public places or places opened to public view. All candidates should rigorously abide by the restriction imposed by the Goa Prevention of Defacement of Property Act, 1998. The candidates should note that the offence for the defacement of property is punishable with fine and imprisonment under Section 3 of the Goa Prevention of Defacement of Property Act, 1998.

4. Meetings:

(i) The candidates shall inform the local police authorities of the venue and time of any proposed meeting well in time so as to enable the police to make necessary arrangements for controlling traffic and maintaining peace and order.

(ii) A candidate shall ascertain in advance if there are any restrictive or prohibitory orders in force in the place proposed for the meeting. If such orders exist, they shall be followed strictly. If any exemption is required from such orders it shall be applied for and obtained well in time from the competent authority.

(iii) If permission or licence is to be obtained for the use of loudspeakers or any other facility in connection with any proposed meeting, the candidate shall apply to the authority concerned well in advance and obtain such permission or licence.

(iv) Organisers of a meeting shall invariably seek the assistance of the police on duty for dealing with persons disturbing a meeting or otherwise attempting to create disorder. Organisers themselves shall not take action against such persons.

5. Processions:

(i) A candidate organising a procession shall decide before hand the time and place of the starting of the procession, the route to be followed and the time and place at which the procession will terminate. There shall ordinarily be no deviation from the programme.

(ii) The organisers shall give advance intimation to the local police authorities of the programme so as to enable the latter to make necessary arrangements.

(iii) The organisers shall take steps in advance to arrange for passage of the procession so that there is no block or hindrance to traffic. Any traffic regulations or restrictions shall also be carefully adhered to.

(iv) Processions shall be so regulated as to keep as much to the right of the road as possible and the direction and advice of the police on duty shall be strictly complied with. Processions should not obstruct or impede regular traffic.

(v) The candidates shall exercise control to the maximum extent possible in the matter of processionists carrying articles which may be put to misuse by undesirable elements, especially in moments of excitement.

(vi) The carrying of effigies purporting to represent the candidate, burning such effigies in public and such other forms of demonstration shall not be done by any candidate.

6. Polling Day.— All candidates shall:

(i) Co-operate with the Officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;

(ii) Supply to their authorised workers suitable badges or identity cards;

(iii) agree that the identity slips supplied by them to voters shall be on plain (white) papers and shall not contain any symbol, name of the candidate;

(iv) refrain from serving or distributing liquor on polling day and during the twenty-four hours preceding it;

(v) not allow unnecessary crowds to be collected near the camps set up by the candidates, near the polling booths so as to avoid confrontation and tension among workers and sympathisers of the candidates;

(vi) ensure that the candidates camps shall be simple. They shall not display any posters, flags, symbols or any other propaganda material. No eatables shall be served or crowds allowed at the camps; and

(vii) co-operate with the authorities in complying with the restrictions to be imposed on the plying of vehicles on the polling day and obtain permits for them which should be displayed prominently on those vehicles.

7. *Polling Booth.*— Excepting the voters, no one without a valid pass from the Goa State Election Commission shall enter the polling booths.

8. *Observers.*— The Goa State Election Commission is likely to appoint Observers. If the candidates or their agents have any specific complaint or problem regarding the conduct of the elections, they may bring the same to the notice of the observer. Observer should file daily reports to the Goa State Election Commission regarding the violation if any of the provisions of Code of Conduct.

9. *Candidate in power or otherwise.*— The candidate who is a member or Office bearer of the Panchayat/Municipality concerned, shall ensure that no cause is given for any complaint that he has used his official machinery or personnel from his office for the purposes of his election campaign, and in particular:

(i) any Minister whether Central or State Government or M. P./MLA shall not be visited to impress upon the voters by organising any public functions:

(a) to lay foundation stone, etc. or any projects or scheme of any kind on behalf of the Panchayat; or

- (b) to make any promise of construction of roads, provision of drinking water facilities etc.;
- (c) to announce any financial grants in any form or promises thereof; and
- (d) to desist from issuing new tenders of developmental work in villages from the panchayat funds and in Municipal areas from Municipality funds, from the time the elections are announced by the Goa State Election Commission.

(ii) Government or Panchayat accommodation shall not be monopolised by the Candidate in power and such accommodation shall be allowed to be used by other candidates in a fair manner but no candidate shall use or be allowed to use such accommodation as a campaign office or for holding any public meeting for the purposes of election propaganda. Candidates or other agents should not corner the common facilities such as open public places, Community halls or Panchayat and Municipal halls, Government and Officials rest houses. These facilities should be made available to all the contesting candidates on payment as per rules and the charges levied should be those that are fixed for use by private persons and the use of such facilities should be treated as used for private purposes.

(iii) Candidates should not make use of Government vehicle, vehicle belonging to Panchayats/Zilla Panchayat/Municipality/Government Departments/Public Corporations/Co-operative Institutions such as Sugar factory, Federations, Urban Societies, Dairy Societies, Co-operative Banks, etc.

(iv) Restriction on the use of vehicles stated in para (iii) above will also cover MLAs and MPs making tours in the areas covered under election.

(v) The use of money power gives distinct advantage to the contesting candidates employing such money power as against the candidates having meagre financial resources. Large sums of money are spent in wasteful advertisements in newspapers etc. This makes a mockery of participatory democracy at the grassroots. The limit of expenditure that may be incurred by the candidate (either by himself or by his authorised agent or any other individual) in connection with the election, shall be as given below:

- (a) In case of every candidate contesting elections to the Village Panchayat ... Rs. 2,500.00
- (b) In case of every candidate contesting elections to Taluka Panchayats ... Rs. 10,000.00
- (c) In case of every candidate contesting elections to Municipal Councils ... Rs. 15,000.00
- (d) In case of every candidate contesting elections to Zilla Panchayats ... Rs. 25,000.00

(vi) The contesting candidates should maintain the detailed accounts of daily expenditure in the Proforma II given below which should be submitted to the concerned Returning Officer alongwith the abstract in Proforma I within a period of one month from the date of the elections:

PART I

- (a) Name of the Candidate and his address :
- (b) Number and name of the ward/Council/Constituency of election :
- (c) Nature of election : Bye-election/General election
- (d) Date of declaration of result :
- (e) Amount of expenditure incurred on:
 - I) Public Meetings, processions etc. :
 - II) Campaign materials like handbills, posters, video and audio cassettes, loudspeakers, etc. :
 - III) Vehicles used and POL expenditure on such vehicles :
 - IV) Erection of gates, arches, Cutouts, etc. :
 - V) Visits of VIPs to the ward/Council/Constituency :
 - VI) Other Miscellaneous expenses :

Total : Signature of Candidate

PART II

(Details of daily expenditure)

Date	Name and address of Payee	Date of payment	Sr. No. of the voucher	Amount paid	Remarks
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(Signature of Candidate)

(vii) Contesting candidates should strictly adhere to the provisions of the Indian Penal Code relevant to elections and the violation of Sections 153-A, 153-B, 171-A to 171-D, 171-F to 171-I and 505 will be viewed as violation of the Code of Conduct.

10. *Government & other Instrumentalities of the State.*—

(i) Ban the sale of liquor and intoxicants before the day of the poll and also on the day of counting of votes. Do not permit selling or serving of liquor on the aforesaid days in any liquor shops, hotels, restaurants, clubs, star hotels and other establishments. Rigorously restrict storage of liquor in unlicensed premises. Take steps to avoid liquor from the adjoining areas to the area where the sale or serving is prohibited. The authorities concerned of the State Government should declare and notify as dry days the areas as per Rules in force.

(ii) Transfers of Government Officers and servants such as Chief Officers, Collectors, Additional Collector, Dy. Collector, BDOs, Mamlatdars, Panchayats Secretaries and such employees connected with or associated with the work of making preparations for and the conduct of the Panchayat and Municipal elections and bye-elections and Police Officers of all levels in the area where elections

are being held should not be ordered from the date of announcement of election programme until the date of completion of the election.

(iii) Officers about whom complaints have been received from any contesting candidates reflecting partisan attitude or behaviour will be dissociated with the election work by the Commission.

(iv) Concerned authorities to launch prosecution against person who contravenes the provisions of laws and Rules particularly in respect of the Goa Prevention of Defacement of Property Act; Indian Penal Code; Rules Governing conduct of meetings, morchas, processions, etc.; Rules governing use of loudspeakers, etc. Concerned authorities should note that the use of loudspeaker is permitted only between 8.30 a.m. to 10.00 p.m.

(v) The State/Central Government should not declare new programme, new scheme, new benefit or initiate new public works of any nature in the area wherever election process is announced.

Prabhakar Timble, Commissioner, Goa State Election Commission.

Panaji, 25th August, 1999.